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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,829	09/22/2003	Jeyhan Karaoguz	14283US2	1006
23446 7590 07/18/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER SCHNURR, JOHN R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,829

Applicant(s)

KARAOGUZ ET AL.

Examiner

JOHN R. SCHNURR

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/30/2008 has been entered.

DETAILED ACTION

2. Claims 1-38 are pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-4, 9-12, 14-17, 21-26, 28-32, 37 and 38** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ten Kate et al. (US Patent 6,601,237)**, herein Ten Kate.

Consider **claim 1**, Ten Kate clearly teaches a system supporting media display sequencing, the system comprising:

a television display at a first location; (**Fig. 1: Display 9**)

Art Unit: 2623

storage at the first location for storing media; **(Fig. 1: DVR 17, column 4 lines 34-37)**

a user interface for identifying media as one of idle state media and user scheduled media; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

set top box circuitry at the first location communicatively coupled to support consumption of idle state media and the user scheduled media by the television display; **(Fig. 1: Video processor 8, column 3 lines 61-67)**

the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no user scheduled media is available. **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

Consider **claim 2**, Ten Kate clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 3**, Ten Kate clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 4**, Ten Kate clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **(column 3 lines 39-50)**

Consider **claim 9**, Ten Kate clearly teaches the identified media is pushed to the system. **(The system receives broadcast media, column 3 lines 37-41.)**

Consider **claim 10**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, the method comprising:

identifying media as one of idle state media or user scheduled media based upon input from a user at a first location; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

Art Unit: 2623

storing the idle state media at the first location; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

causing the displaying of the idle state media through set top box circuitry at the first location according to a user defined sequence, if no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media through the set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Consider **claim 11**, Ten Kate clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **(Fig. 1, column 3 lines 37-67)**

Consider **claim 12**, see claim 2.

Consider **claim 14**, see claim 2.

Consider **claim 15**, Ten Kate clearly teaches receiving media from a second location. **(The media is broadcast from a second location to the receiver via a network, column 3 lines 37-41)**

Consider **claims 16 and 17**, Ten Kate clearly teaches the receiving is performed using a packet network, wherein the packet network is the a cable infrastructure. **(column 3 lines 37-41)**

Consider **claim 21**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; **(Fig. 1: Tuner 2, column 3 lines 37-55)**

storing the media at the first location; **(Fig. 1: DVR 17, column 4 lines 34-37)**

identifying the media as one of idle state media and scheduled media based upon input from a user; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

causing the displaying of the idle state media set top box circuitry at the first location according to a user defined sequence, when no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Consider **claim 22**, Ten Kate clearly teaches the idle state media resides on local storage. **(column 6 lines 20-29)**

Consider **claim 23**, Ten Kate clearly teaches the user scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **(column 3 lines 37-41)**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 2.

Consider **claim 26**, see claim 2.

Consider **claim 28**, Ten Kate clearly teaches causing, immediately, the displaying of the idle state media based upon user input. **(The idle state media may be stored on video recorder 17, column 4 lines 34-37, therefore the media may be played back immediately if the user selects to play the media from the recorder.)**

Consider **claim 29**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

set top box circuitry at a first location communicatively coupled to support consumption of idle state media and user scheduled media by a display device; **(Fig. 1: Video processor 8, column 3 lines 61-67)**

the set top box circuitry at the first location causing the displaying, from a storage at the first location, of idle state media when no scheduled media is available. **(column 5 line 66 to column 6 line 29)**

Consider **claim 30**, see claim 2.

Art Unit: 2623

Consider **claim 31**, see claim 3.

Consider **claim 32**, see claim 4.

Consider **claim 37**, see claim 9.

Consider **claim 38**, the display device is one of a plasma display, a liquid crystal display, and a TV screen. **(Fig. 1 Display screen 9 displays television programs, column 3 lines 37-67.)**

5. Claims **5, 6, 13, 27, 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Hamano et al. (US Patent Application Publication 2002/0166127)**, herein Hamano.

Consider **claims 5, 13, 27 and 33**, Ten Kate clearly teaches a set top box at a first location causing the display of idle state media when no user scheduled media is available.

However, Ten Kate does not explicitly teach at least one display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches a display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claims 6 and 34**, Ten Kate combined with Hamano clearly teaches the at least one display device at a second location is one of a plasma display, a liquid crystal display, or a TV screen. **(Fig. 4: Display 411 displays video data, [0046]-[0047] Hamano.)**

Art Unit: 2623

6. Claims **7, 8, 18-20, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claims 7, 8, 35 and 36**, Ten Kate clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **([0052])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

Consider **claim 18**, Ten Kate clearly teaches a media display sequencing system receiving media from a packet network.

However, Ten Kate does not explicitly teach the packet network is the Internet.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches a packet network delivering media is the Internet. **([0048])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by transmitting media via the Internet, as taught by Matz, for the benefit of providing media from multiple sources.

Consider **claim 19**, Ten Kate combined with Matz, as in claim 18, clearly teaches the second location is a server. **([0048] Matz)**

Consider **claim 20**, Ten Kate combined with Matz, as in claim 18, clearly teaches the server comprises one or more of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **([0045] Matz)**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623